

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Promote Policy
and Program Coordination and Integration in
Electric Utility Resource Planning.

Rulemaking 04-04-003
(Filed April 1, 2004)

Order Instituting Rulemaking to Promote
Consistency in Methodology and Input
Assumptions in Commission Applications of
Short-Run and Long-Run Avoided Costs,
Including Pricing for Qualifying Facilities.

Rulemaking 04-04-025
(Filed April 22, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING REQUEST TO INTERVENE**

RCM Biothane (RCM)¹ requests to intervene in Rulemakings 04-04-003 and 04-04-025 addressing policy and avoided cost issues concerning Qualifying Facilities (QF). RCM designs anaerobic digesters for waste-to-energy projects on dairy and hog farms. RCM claims that its projects can be classified as QFs and reasonable power purchasing agreements with the Investor Owned Utilities often comprise the economic incentive that makes these projects feasible. Therefore, RCM has a vested interest in the outcome of these proceedings and particularly on the impact the decisions could have on the ability of small QFs (those less than one megawatt) to enter the energy market.

¹ Formerly RCM Digesters, Inc.

In addition, RCM would like to participate in the proceedings to present a voice on behalf of other small QFs who could also be affected by the outcome of the Commission's decisions on these two proceedings. RCM understands that it is joining the proceeding late and agrees not to bring forth any new or separate issues that could delay or prolong the hearings. No opposition to RCM's request has been received.

RCM should be allowed to intervene. Although opening and reply testimony have already been submitted in these proceedings, the evidentiary hearings have yet to begin.

RCM Biothane's contact information is:

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RCM Digesters, Inc.
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IT IS RULED that the request by RCM Biothane to intervene in Rulemakings 04-04-003 and 04-04-025 is granted.

Dated January 5, 2006, at San Francisco, California.

/s/ CAROL BROWN

Carol Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Request to Intervene on all parties of record in this proceeding or their attorneys of record.

Dated January 5, 2006, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.